

## **REMARKS**

### **Introduction**

The December 17, 2004 Office Action indicates that claims 1 through 9 are currently pending in this application. Applicant respectfully submits that claims 1 through 14 were originally pending in the present application. Enclosed herewith in Appendix A is a copy of the self-addressed postcard originally filed with the present application. The postcard shows that the specification, as filed, included nine (9) pages. Claims 1 through 9 are found on page 8 and claims 10 through 14 are found on page 9. Page 9 of the specification, as filed, is also included in Appendix A.

In response to the December 17, 2004 Office Action, claims 1, 4-7, and 10-12 have been amended, and claims 2, 3, 8, and 9 have been cancelled. Claims 15 and 16 have been added. No new matter has been added. Accordingly, claims 1, 4-7, and 10-16 are presently pending for consideration in this application.

### **Objections to the Specification**

The Examiner objected to the specification because it contained various informalities. Applicant has amended the specification by changing the word “and” to “a” at line 22 of page 2, by inserting the word “the” before the word “height” at line 23 of page 2, and by inserting the word “the” before the word “movable” at line 23 of page 2. The applicant also deleted the word “a” before the word “slightly” at line 2 of page 5 and changed the reference number “14” to “16 at line 8 of page 5. Applicant respectfully submits that the specification no longer contains informalities. Thus, applicant respectfully requests that the Examiner’s objection to the specification be withdrawn.

### **Rejections of the Claims**

Claims 1-6 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,035,184 to Bott. Claims 7-9 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,715,978 to Ackeret. A claim is said to be anticipated where each and every limitation of the claim can be found in a single reference. Claims 1 and 7 have been amended to more particularly describe the invention. Support for the amendment to independent claims 1 and 7 can be found, for example, in the Figures of the present application. As such, no new matter has been added. Applicant respectfully submits that the invention described in independent claim 1, as amended, is not disclosed or suggested by the Bott '184 patent. Likewise, applicant respectfully submits that the invention described in independent claim 7, as amended, is not disclosed or suggested by the Ackeret '978 patent. Accordingly, the rejections based on 35 U.S.C. § 102(b) are respectfully traversed.

### **The Bott '184 Patent**

The Bott '184 patent discloses a cargo restraint system 10 with a pair of track members 16, 18 and a beam member 20 that is associated with the track members 16, 18 by slider mechanisms 22. (Col. 2, ll. 15-24). The beam member 20 can be positioned longitudinally along the track members 16, 18 (col. 2, ll. 52-55), in an operable position extending substantially perpendicular to the vehicle surface 12 (col. 2, ll. 30-33), or in a downward position parallel to the vehicle surface (col. 3, ll. 43-44 and Figure 4). However, the Bott '184 patent does *not* disclose or suggest a movable wall substantially inhibited from movement away from a perpendicular position in relation to a track as set forth in amended independent claim 1.

### **The Ackeret '978 Patent**

The Ackeret '978 patent discloses a device for variable division of a motor vehicle boot and securing loaded goods that includes a guide rail 2. The device also includes a plurality of support panels 5 that are displaceably supported on the guide rail 2 by corresponding sliding guide blocks 4. The support panels 5 are rotatably hinged to the sliding guide blocks 4 and can be swiveled up from the horizontal position, in which they lie substantially parallel to the boot floor 1 into a position at right angles to the boot floor 1. (Col. 4, ll. 9-20). However, the Ackeret '978 patent does *not* disclose or suggest a movable wall substantially inhibited from movement away from a perpendicular position in relation to a track as set forth in amended independent claim 7.

### **The Slide Out Trunk Space Storage System of the Present Invention**

In contrast to the related art, amended independent claim 1 clarifies the invention claimed as a trunk space storage system that includes at least one track and a movable wall. The movable wall is disposed in a generally perpendicular position in relation to the track. The movable wall is also *substantially inhibited from movement away from the perpendicular position*. Furthermore, the movable wall is supported for sliding movement by the track.

Likewise, in contrast to the related art, amended independent claim 7 clarifies the invention claimed as a trunk space storage system that includes a trunk space storage system that includes at least one track and a movable wall. The movable wall is disposed in a generally perpendicular position in relation to the track. The movable wall is also *substantially inhibited from movement away from the perpendicular position*. Furthermore, the movable wall is supported for sliding movement by the track. The trunk space storage system also includes a wall extension.

### **Argument**

Applicant respectfully submits that the trunk space storage system of claim 1 is not disclosed or suggested by the Bott '184 patent. Specifically, the Bott '184 patent *merely* discloses a cargo restraint system 10 with a beam member 20 that can be positioned longitudinally along the track members 16, 18 and in an operable position extending substantially perpendicular to the vehicle surface 12. However, the beam member 20 can be positioned in a *downward position parallel to the vehicle surface*. As such, Bott *lacks* a movable wall *substantially inhibited from movement away from a perpendicular position* in relation to a track as required by claim 1.

The Bott '184 patent fails to disclose a trunk space storage system that includes at least one track and a movable wall disposed in a generally perpendicular position in relation to the track, inhibited from movement away from the perpendicular position, and supported for sliding movement by the track as claimed by applicant in claim 1. Therefore, it is respectfully submitted that claim 1 is allowable over the rejections under 35 U.S.C. § 102(b). Claims 4 through 6 are each ultimately dependent upon claim 1 and add perfecting limitations. Therefore, it is respectfully submitted that each of claims 4 through 6 are also allowable over the rejections under 35 U.S.C. § 102(b).

Applicant respectfully submits that the trunk space storage system of claim 7 is not disclosed or suggested by the Ackeret '978 patent. The Ackeret '978 patent *merely* discloses a device with a plurality of support panels 5 that are displaceably supported on a guide rail 2 such that the support panels 5 can be positioned at right angles to the boot floor 1. However, the support panels 5 can be swiveled into a horizontal position in which the support panels 5 lie substantially parallel to the boot floor 1. As such, Ackeret *lacks* a movable wall *substantially inhibited from movement away from a perpendicular position* in relation to a track as required by independent claims 1.

The Ackeret '978 patent fails to disclose a trunk space storage system that includes at least one track, a movable wall disposed in a generally perpendicular position in relation to the track, inhibited from movement away from the perpendicular position, and supported for sliding movement by the track, and a wall extension as set forth in claim 7. Therefore, it is respectfully submitted that claim 7 is allowable over the rejections under 35 U.S.C. § 102(b).

#### **Amendments to Claims 4-6 and 10-12**

In addition to the amendment to claims 1 and 7 as noted above, the dependency of claim 4 has been changed from claim 3 (now cancelled) to claim 1. Similarly, the dependency of claim 5 has been changed from claim 4 to claim 1. Claims 5 and 6 were also amended to more precisely define the invention. No new matter has been added. As noted above, claims 4-6 are each ultimately dependent upon claim 1. Therefore, it is respectfully submitted that each of claims 4-6 are allowable over the rejections under 35 U.S.C. § 102(b).

The dependency of claim 10 was changed from claim 9 (now cancelled) to claim 7. The dependency of claim 11 has been changed from 10 to independent claim 7. Claims 11 and 12 were also amended to more precisely define the invention. As noted above, claims 10-12 are each ultimately dependent upon claim 7. Therefore, it is respectfully submitted that each of claims 10-12 are allowable over the rejections under 35 U.S.C. § 102(b).

#### **New Claims 15 and 16**

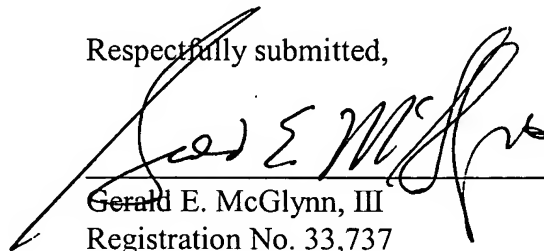
As noted above, claims 15 and 16 have been added to the application by way of this Amendment. Support for claims 15 and 16 can be found in the Figures, and especially in Figures 1-4 and 6. As such, no new matter was added. New claim 15 is dependent upon claim 7 and adds

perfecting limitations. New claim 16 is dependent upon claim 1 and adds perfecting limitations. Therefore, it is respectfully submitted that claims 15 and 16 are each in condition for allowance.

**Conclusion**

In view of the above, applicant respectfully submit that the claims clearly distinguish over the prior art and are therefore allowable. Accordingly, applicant respectfully solicit the allowance of the claims pending in this case.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Gerald E. McGlynn, III", is written over a horizontal line.

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